Issued To 27/8/48

Sectt. II-27—58,004—27-10-47.

Revenue **(1948) Department.**

Ms SERIES.

G.O. NO. 1546

Dated 6 7 1948

31993

[Despatch Abstract.]

Alienation Land and Rev- (South Kanara) Mangalore taluk - Kodaalbail village - T.S.No 284/4B - Relinquishment by the Mangalore Municipal Council - Accepted - Alienation to Canara High School Mangalore - Order passed

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Ms	1084	~~Rev~~ RA	24.6.1947				
Ms	1911	Rev	22.10.1945				
Ms.	1844	Rev.	21.8.1942				
Ms	3168	Rev	28.11.39				
Ms	1722	Rev	29.7.41				

Further Papers.

G.O.	No.	Department.	Date.	G O.	No.	Department.	Date.

REVENUE DEPARTMENT.

K 31293A
28/5/48

Subject.

ALIENATION - Land and Revenue - (South Kanara) - Mangalore Taluk ~~and Town~~ - Kodialbail (A) village - T.S.No. 284/4,5,6,10,11 12 - For school purposes - Canara High School, Mangalore - Proposal - Recommended.

Station : Madras,

Ref. No. E. 1562/48 3. Dated 17th May 1948.

From

P.M. Jayarajan Esq., Bar-at-Law, I.C.S.,
Secretary, Board of Revenue.

W.R.S. Sathianathan Esq., I.C.S.,
Commissioner of Land Revenue and Commercial Taxes.

READ: 1. Letter from S.R. Kaiwar Esq., I.C.S., Collector of South Kanara, Ref. C.No.9516/47.B3 d/8.3.1948.
2. Do. Do. Do. d/ 7.4.48.
3. Do. Do. Do. d/ 27.4.48.

Reference:

At the instance of the Collector of South Kanara the Board recommends the alienation of the plot of land comprised in plots Nos.4, 5, 6, 10, 11 and 12 of T.S. No. 284/4-B of Kodialbail (A) village of Mangalore taluk ~~and town~~ measuring Ac.1.45 cents in favour of the Manager for the time being, Canara High School, Mangalore for use as the site for the extension of the school building and for academic activities.

2. T.S. No. 284/4B, which is now proposed for alienation forms part of T.S. No. 284/4, which was alienated along with other survey numbers in favour of the Municipal Council, Mangalore for use as house sites in G.O. No. 1844, Revenue, dated 21.8.42. According to G.O. No. Ms. 1084, Local Administration Department dated 24.6.47, the Municipal Council relinquished the above plots mentioned in para 1 above. The Board recommends that before sanctioning the alienation, the relinquishment made by the Municipal Council may be accepted under condition No. 6 of the conditions of alienation imposed in G.O. Ms. No. 1844, Revenue dated 21.8.42.

3. The alienation will be subject to the payment of a concessional rate of Rs.1000/- per acre for the occupancy right and free of assessment but subject to the following conditions:

1) The land shall be used for the purposes of the extension of the school building and for academic activities and for no other purpose.

2) The school building shall be constructed within a period of two years from the date of the grant.

3) No other building shall be constructed on the land without the previous permission of the Collector of the district.

4) The market value of the land shall be collected if at any time it is found that the grantee derives a substantial income from the land. (The Collector shall decide whether a net income is derived from the land or not, and his decision shall be final.)

5) The Government may resume the land wholly or in part with any buildings thereon if the school is not recognised, or if the recognition once granted is subsequently withdrawn.

6) The amount of any grant made by the Government towards the

cost

cost of the building shall be deducted from the compensation payable to the grantee in the event of the resumption of the land.

7) The school shall be open to members of all communities.

8) The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land, the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officers empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

9) The Government may resume the land wholly or in part with any buildings thereon if in the opinion of the Government the land is required for public purposes or for conducting mining operations. In the event of such resumption, or in the event of the acquisition of the land for any reasons, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less, and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less together with the initial cost or the value at the time of resumption or acquisition, whichever may be less of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Government towards the cost of the buildings or other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

10) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

11) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of the alienation are infringed. In the latter case, the land revenue shall be levied from the date of infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

12) The Government reserve to themselves the right to all sandal-wood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

(13) The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(14) The alienee shall take the steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(15) In the event of the infringement of, or failure to observe any of the conditions (13) to (14) the alienee shall pay to the Government such ~~of the~~ compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and to re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

for Secretary. 24.5.48

Encl:

To the Secretary to Government, Revenue Department with the Collector's letter C.No.9516/47.B3 dated 8.3.48, with alienation statement and sketch to be returned.

SA.18.5.

Copy of letter Ref. C. No. 9516/47.B3 dated 8.3.1948 from S.R. Kaiwar, Esq., I.C.S., Collector of South Kanara.

ALIENATION - Land and Land Revenue - Mangalore Taluk and Town - Kodialbail (A) village - T.S.No. 284/4-B - Canara High School, Mangalore - Sanction - Requested.

Ref: G.O. No.Ms. 1084, Local Administration Department, dated 24.6.1947

The plot T.S.No. 284/4B of Kodialbail A. Village lying within the Mangalore Municipal limits and measuring 1.45 acres in extent was alienated in favour of the Mangalore Municipal Council in G.O. Ms. No. 1844, Revenue Dept. dated 21.8.1942 for the purpose of constructing houses. The Municipality has paid market value at the rate of Rs.1000/- per acre.

2. In their order No. Ms. 1084, L.A. Department, dated 24.6.47, the Government had ordered the Special Officer, Mangalore Municipality, to take necessary action for the disposal of the sites in plots Nos. 4, 5, 6, 10, 11 and 12 comprising T.S.No. 284/4B, to the Canara High School. Accordingly, the Municipality has sent up a copy of its resolution, relinquishing the plot, T.S.No. 284/4B, for re-alienation in favour of the Canara High School. The authorities of the Canara High School apply for the alienation of the land in question for the purposes of the extension of the school building and for acadamic activities.

3. A notice inviting objections to the alienation of the land in favour of the Canara High School was published in the village, but no objections have been received. The plot does not contain any tree-growth or improvements. No public or communal interest will be affected on account of the proposed alienation. There is therefore no objection to alienate the land in favour of the Kanara High School.

4. The land is valuable. Under condition 6 of the grant,

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the Mangalore Municipality is entitled to get back the site value paid by it in the event of voluntary relinquishment. In this case therefore the sum of Rs.1450/- has to be paid to the Municipality. This is to be paid from the amount of market value that may be collected from the High School. At what rate the market value has now to be levied is to be considered here. The site value was fixed at Rs.1000/- per acre in the year 1942 and recovery was made at this rate from the Municipal Council. The present value may be much higher. But the land is required for school purposes and in the year 1945 when the adjacent plot T.S.No. 284/4A measuring 1.40 acres was alienated in favour of the same High School in G.O.No.Ms.1911, Revenue Department, dated 22.10.1945, the Government were pleased to fix the market value at the concessional rate of Rs.1000/- itself per acre. The same concessions may be shown in this case also, and site value at the rate of Rs.1000/-, i.e. the amount required for refund to the Mangalore Municipality, may be adopted in this case also. The site value due will be collected after orders are passed on this..—

5. The voluntary relinquishment of the plot T.S.No.284/4-B by the Mangalore Municipality may be accepted and the land may be alienated in favour of the Canara High School. Market value may be collected at the rate of Rs.1000/- per acre and this amount may be paid over to the Municipal Council. The alienation may be free of ground-rent.

6. Applications for alienation of land and land revenue, an eye-sketch of the plot (in duplicate), an extract from the land register (in duplicate), a copy of the resolution of the Municipal Council agreeing to relinquish the plot, a copy of the set of conditions notified to and accepted by the Correspondent, Canara High School, and his letter of consent are enclosed for reference.

/True copy/

K Ramachandran 26/V/48
FOR SECRETARY.

HB/PB
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Rev Dept

C.No 31293 A/48

Read again:-

G.O. Ms 1844 Rev dated 21-8-1942
G.O. Ms 1911 Rev dated 22.10.1945
G.O. Ms 1084 L.A. dated 24.6.1947

Read also

From the BP of Rev Ref E 1562/48-3 dated 17.5.1948

G.O. Ms. 1596 dated. 6-7-48

The Govt accept the relinquishment by the Mangalore Municipal Council of the plot of land comprised in T.S.No. 284/4-B measuring Acs. 1-45 cents which forms part of TS No. 284/4 of Kodialbail village Mangalore taluk S. Kanara dt. which was alienated in favour of the Municipal Council for use as house sites, roads and streets in G.O.Ms 1844 Rev dated 21-8-1942 They also direct that the market value of the plot at the rate of Rs 1000/- per acre paid by the Mangalore Municipal Council be refunded to the Municipal Council

2. The Govt also sanction the alienation of the plot of land in TS No. 284/4B measuring Acs. 1-45, referred to in para 1 above in favour of the Manager for the time being Canara High School Mangalore for the extension of the school building and for academic activities

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3. The alienation will be subject to the payment of a concessional rate of Rs 1000/- (Rs one thousand only) per acre for occupancy right and free of assessment but subject to the following conditions:- Cf para 3 of GI

(1) The land shall be used for the purpose of the extension of the school building and for academic activities and for no other purpose. Cf. para 3(1) of GI

(2) The school building shall be constructed within a period of two years from the date of the grant GI cited

(3) No other building shall be constructed on the land without the previous permission of the Coll[r]. of the dt ibid

(4) The market value of the land shall be collected if at any time it is found that the grantee derives a substantial income from the land. The decision of the Coll[r] on the question whether the grantee derives a substantial income from the land shall be final. ibid

(5) The Govt. may resume the land wholly or in part with any buildings thereon if the school is not ~~registered~~ recognised, or if the recognition once granted is subsequently withdrawn. ibid

(6) The amount of any grant made by the Govt towards the cost of the building shall be deducted from the compensation payable to the grantee in the event of the resumption of the land GI 2 Cr

(7) The School shall be open to members of all communities

(8) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

(9) The Government may resume the land, wholly or in part with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Government towards the cost of the buildings and other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

(10) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

(11) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of alienation are infringed. In the latter case, the land revenue shall be levied from the date of infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

(12) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the District.

(13) The alienee shall take all reasonable measures to the satisfaction of the Collector of the District for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

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(14) The alienee shall take steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(15) In the event of infringement of or failure to observe any of the conditions (13) to (14) the alienee shall pay to the Government such compensation as is determined by the Collector of the District for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and reenter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alinee shall not be entitled to any [illegible] whatever.

ASST. SECRETARY TO GOVERNMENT &
EXCISE AND PUBLIC HEALTH DEPT.
20 JUN 1948

To
The Bd of Rev
with sketch and
alienation stt.

13/6/48
15/6/48

145.6C=

16 Ast

R D

The draft order above follows precedent Mf 7-10 in GoMs 1911 Rev'd 22.10.1945. This may be sent to LA, E&PH and Fin for acceptance

13/6/45
15-6-48

21/6/48

LA
E&PH
Fin

SVM
46093

1 JUN 1948

L.A. No 2[illegible]/48-1A
21/6/48

LAD
21/6/48

Accepted
21.6.48

E&PH

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E&P.H(B,)

The draft order at ff 1-4 ante may be accepted in this Deptt.

and the file passed on to Fin. U.O.

23/6/48.

25.6.48

26-6-48

Finance

28/6

E&P. H. U.O. No 46008 B,/48-1

28/6/48

Finance (H.A)

The draft order on ff. 1-4 above may be accepted.

28.6.48

29.6.48

ADDITIONAL DEPUTY SECRETARY
28 JUN 1948
4)120
FINANCE DEPARTMENT

To As

Rev Deptt-

Fin. W. 047120
R 37437 A, AH 1

29/6/48

The draft order on ff 1-4 ante may recne

30/6/48

30.6.48

3.7.48

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